

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
	)	
v.	)	NO.: 3:08-cr-142
	)	JUDGES PHILLIPS/SHIRLEY
DAVID C. KERNELL	)	

**MOTION TO EXTEND TIME FOR EXPERT DISCLOSURE**

Comes the defendant, David Kernell, and hereby respectfully moves the Court for an Order extending the time for defense expert disclosure by thirty days, until August 30, 2009. This disclosure would allow Mr. Kernell adequate time to evaluate the need for potential expert testimony and would allow the government ample time to prepare after disclosure, taking into account the October 27, 2009, trial date. In support of this motion, Mr. Kernell would show as follows:

1. At the time of the original scheduling order in this case, the government was to provide expert notification three weeks prior to trial, and the defendant one week prior to trial. [Doc. 7]
2. The parties agreed that, under the facts of this case, earlier disclosure was warranted. The current order provided for government disclosure on June 30, 2009, and defense disclosure on July 31, 2009. [Doc. 34]
3. The government made its disclosures on June 29, 2009.
4. The government disclosures require significant evaluation.
5. Since the government disclosure, Mr. Kernell's counsel have been focused on a supplemental motion to suppress, filed July 27, 2009, which was not anticipated.

6. Additionally, although Mr. Kernell does not wish to seek court funding, he has had to delay certain work because of funding issues.

7. Finally, at the time of the government disclosure, undersigned counsel was in pretrial preparation in United States v. Parkes, No. 1:09-CR-38, before Chief Judge Collier, a case involving allegations of bank fraud which was expected to go to trial on August 3, 2009, until it was continued until August 31, 2009.

8. Mr. Kernell is cognizant of the trial date, and his counsel represent that if expert testimony is to be used, it is not anticipated that disclosure on or before August 31, 2009, almost two months before trial, would place any burden on the government to evaluate and respond if necessary.

Wherefore, Mr. Kernell asks this Court to grant his motion and to adjust the date for defense expert disclosure to August 30, 2009.

Respectfully submitted this 31<sup>st</sup> day of July, 2009

RITCHIE, DILLARD & DAVIES, P.C.

/s/ WADE V. DAVIES

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing has been filed electronically this 31st day of July, 2009. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ Wade V. Davies  
WADE V. DAVIES